THE DEPUTY CHAIRMAN: There is no dispute. Jethmalaniji, there is shortage of time today and that is only one constraint.

SHRI V. NARAYANASAMY (Pondicherry): Madam, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Why should we start a discussion on it? Let him speak. Whether he opposes or supports or withdraws afterwards, who knows? So, let him speak.

I. STATUTORY RESOLUTIONS SEEKING DISAPPROVAL FO THE SPECIAL PROTECTION GROUP (AMENDMENT) ORDINANCE, 1995

II. THE SPECIAL PROTECTION GROUP (AMENDMENT) BILL, 1994

SHRI RAM JETHMALANI (Maharashtra): Madam, I move:

"That this House disapproves of the Special Protection Group (Amendment) Ordinance, 1995 (No. 1 of 1995) promulgated by the President on the 10th January, 1995."

I am next to none in speaking for the need that people who are under a threat must be protected. It is the duty of the State to protect anybody whose life is in danger, against any kind of unlawful action. Even if the entire might of the State has to be summoned to protect the life of the smallest citizen of the country, the State is bound to do it. Even if the cost involved runs into crores for the defence of a poor man in this country, so long as his life is under threat, he is entitled to protection. Madam, there is no dispute over this. There is no dispute that people who are under threat must be protected, whether it is the Prime Minister or an ex-Prime Minister or members of his family; everybody is entitled to protection. But, Madam, realising that this is in exercise in futility, I am still a Member of this House, I opposed this measure in 1988 when it was being enacted into law for the first time and by my silence today I do not want to create an impression that I said something which I did not believe at that time and that circumstances have changed and I have changed my mind. I wish to record the same kind of opposition which I raised against this Bill in 1988. In 1988 there was great justification which was recognised by all sections of the House including myself. In 1988 the Bill was being passed in the context of one of the most extraordinary tragedies that had taken place in this country. It was being passed in the context of what had happened in the city of Delhi. After all, the Special Protection Group had come into existence even before the Act was passed in 1988, it came into existence in June 1988.

1 P.M.

The tragedy was great enough to justify that Bill. But even then, some of us opposed it on purely ideoogical grounds. And I have got distinguished Members of this House sitting here today on this side, and though they seem to have now acquiesced in this Bill because it has gone on for so long, yet I have got their speeches of 1988. Many sections of this House opposed this Bill on pure intellectual grounds. There is no reason why a common law duty which you owe to every citizen of this country should necessarily be converted into a statutory duty qua only specified persons. This is violation of article 14 of the Constitution. It is a violation of the fundamental principle of equality which underlies the Constitution. By all means, protect any person. All that you have to do is to decide in your mind. If your Home Ministry, your Intelligence sources tell you that somebody is under danger, please employ the entire might of the State. But, by creating a special statute for a special person and a special family of that person you are creating a very bad impression and bad prece-

dent which we all opposed in 1988, those who are sitting on this side of the House. But, Madam Deputy Chairman, at that time, at least there was a great justification. There is no doubt. The late Prime Minister Rajiv Gandhi at that time was under serious danger in view of what had taken place in this country, in the city of Delhi. He was under danger. There is no question about it. And it is very unfortunate. And, Madam, this is the second aspect of my argument that all these measures are totally useless. Ultimately, if a person is determined to give up his own life against a determined assassin, no amount of any Protection Force is of avail. Think of the history of all assassinations that have taken place. President Kennedy was killed. Our Father of the Nation was killed. Pandit Jawaharlal Nehru, after Mahatma Gandhi was assassinated, did not ask for a Special Protection Force. Madam, the Prime Minister of this country, by a definition, by the very fact that he holds that office, is normally the most loved person of this country, and you are trying to create an impression as if he is the most wanted person in this country who has to be assassinated by a large number of people.

Madam, I wish to voice two concerns. One concern is the concern which has been voiced this morning by the 'Pioneer'. The 'Pioneer', in an editorial says that at the time of that assassination of the late Rajiv Gandhi—a very unfortunate incident which had happened — the Intelligence Bureau from Tamil Nadu passed on information to your Central Intelligence agency, and that information was not only ignored but was also not placed before the Verma Commission. If you go on passing these Acts, but do not really protect the people, ultimately, the protection, comes from Intedligence investigation, from Intelligence searching of information and following up that information. But when information is received and you do not follow it up, merely coming to the House and passing this kind of statutes and saying that you have done your duty by this person whom you want to protect, is of no use. It is all right if you want to do honour to the memory of some people. Welcome. You want to protect some people. You are welcome. But please bear in mind that these Protection Forces by themselves, whether you give them statutory form or no form, are totally useless unless you do intelligence work. Madam, I do wish to record my opposition today on a more serious ground. I want to register my protest on the floor of this House against the contempdated move against the distinguished public servants and action is sought to be taken against them for security lapses for which they were not responsible, person who have retired after distinguished careers, persons...

SHRI S. S. AHLUWALIA (Bihar): Madam, we are not discussing the Verma Commission here. We are not discussing that. (*Interruptions*)

SHRI V. NARAYANASAMY (Pondicherry): It is unwarranted.

THE DEPUTY CHAIRMAN: Chavan Saheb will answer.

SHRI V. NARAYANASAMY: If the persons are found guilty, they will be punished.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): The Home Minister will reply.

श्री एस० एस० अहलुवालिया : नहीं, नहीं, ये खुद बहुत विद्वान हैं, इनको मालूम होगा ।...(व्यवधान)...हिटलर ने जो खून-खराबा किया, कई सालों बाद उन्हें सजा हुई थी ।...(व्यवधान)...जो रिटायर होने पे हैं और रिटायर होने के बाद सजा नहीं हो सकती, इस तरह की बातें न करिए ।...(व्यवधान)...

श्री सुरेश पचौरी (मध्य प्रदेश) : हमेशा इन माननीय सदस्य ने उनकी पैरवी की है जो हत्या के लिए जिम्मेदार रहे हैं। . . . (व्यवधान) . . .

SHRI V. NARAYANASAMY: If some people were responsible for it, they must be punished. (*Interruptions*).

SHRI RAM JETHMALANI: Please learn from your friend. (*Interruptions*) Please learn from your colleague. (*Interruptions*)

SHRI V. NARAYANASAMY: All these parties would extinguish the country. (*Interruption*) Madam, he is making use of the floor of this House . . . (*Interruptions*)

DR. BIPLAB DASGUPTA (West Bengal): Madam, Mr. Jethmalani should be allowed to continue his speech. (*Interruptions*)

SHRI V. NARAYANASAMY: He is going beyond the scope of the discussion. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: (West Bengal): Madam, I am on a point of order. (*Interruptions*)

श्री एस० एस० अहलुवालिया: . . . (व्यवधान) जितने चोर हैं, जितने हत्यारे हैं और जितने क्रिमिनल हैं, उनके वकील मत बनिए। . . . (व्यवधान)

श्री जगदीश प्रसाद माथुर : (उत्तर प्रदेश) : . . . (व्यवधान) यह सही . . . (व्यवधान)

उपसभापति : बैठ जाइए, प्लीज बैठ जाइए।

श्री एस० एस० अहलुवालिया : इस देश में जितने हत्यारे हैं . . . (व्यवधान)

SHRI GURUDAS DAS GUPTA: Madam, I am on a point of order. Every hon. Member of this House has a right to speak. (*Interruptions*) His speech can be expunged or disallowed only if it is against the canons of Parliamentary practice.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): What is the lecture he is giving? We know all that.

DR. BAPU KALDATE (Maharashtra): Then, why are you shouting? Allow him to speak (*Interruptions*)

SHRI V. NARAYANASAMY: Mr. Jethmalani is speaking on a subject which is not slated for discussion here. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Madam, if somebody's speech is not unparliamentary at all, .

SHRI V. NARAYANASAMY: I have right to say that he is going beyond the scope of the discussion.

SHRI GURUDAS DAS GUPTA: If somebody's speech is not unparliamentary at all, he is bound to be protected by the Chair. (*Interruptions*) Nobody has a right to censor his speech. What is this? It is too much.

SHRI V. NARAYANASAMY: What is too much? (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Nobody can censor the speech of another hon. Member. Madam, you must stop this. (*Interruptions*)

THE DEPUTY CHAIRMAN: I would ask all of you to sit down.

SHRI RAM JETHMALANI: Madam, may I finish? (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Gurudas Das Gupta, please sit down.

SHRI GURUDAS DAS GUPTA: This has become a habit on the part of some hon. Members.

DR. BIPLAB DASGUPTA: This is very very unfair. (*Interruptions*)

THE DEPUTY CHAIRMAN: All of you please sit down. Just one second, please. (*Interruptions*)

उपसभापति : आप लोग बैठ जाइए ।

श्री सुरेश पचौरी : ... (**व्यवधान**) मैडम, सवाल इस चीज का है कि यह किस संदर्भ में बोल रहे हैं... (**व्यवधान**)

उपसभापति : प्लीज ।

श्री एस० एस० अहलुवालिया :

SHRI RAM JETHMALANI: I do not object to Mr. Ahluwadia speaking because he has to do his duty some day. And he does his duty only when I am speaking! (*Interruptions*)

THE DEPUTY CHAIRMAN: No cross-talk, please. Mr. Jethmalani, it is a question of life and death of some people. The responsibility of the Government is towards every citizen of the country. Now, if you see the record of history, we lost Mrs. Gandhi to assassins' bullets. We lost Mr. Rajiv Gandhi..

SHRI RAM JETHMALANI: Who says 'no'?

THE DEPUTY CHAIRMAN: Just a minute. The point is, the Government is responsible. This House is also responsible to certain citizens of the country. I think you, being a Member of this House, understand the sentiments of the people, cutting across party lines because even the Opposition Members had agreed that there would not be any discussion or arguments on it. Why should we, by our arguments, jeopardise the lives of some people? Later on, we should not repent. (*Interruptions*) Just a minute, please. Mr. Jethmalani, you had talked about Rajiv Gandhi also. Because the protection was removed, we lost him. If it had been there, he could have been protected.

SHRI RAM JETHMALANI: That is not right, Madam. That is a myth which has been created. That is not correct, Madam ... (*Interruptions*).. Madam, my opinion may be wrong.

*Expunged as ordered by the Chair.

THE DEPUTY CHAIRMAN: You, as a citizen of this country and as a Member of this House, have a full right to your opinion. You can have any opinion, you can protect anybody you can object to anything, but please understand that this House has got certain responsibilities, and so I would request you to understand them.

SHRI RAM JETHMALANI: I fully understand the responsibilities. I want to end with one sentence—I hope it will be allowed to be uttered uninterrupted. I do wish to record my protest against people trying to cover up their incompetence in defending people by taking unwarranted unjustified means and dirty action against respectable public servants who have retired, who are leading a peaceful life... (*Interruptions*) ...

श्री एस० एस० अहलुवालिया : मैडम... (**व्यवधान**)...इसे ऐक्सपंज किया जाए । ... (**व्यवधान**) ..

THE DEPUTY CHAIRMAN: I will look into it.

SHRI RAM JETHMALANI: Madam, I have had my say and I will be justified to say it even if I am in a minority of one... (*Interruptions*) ...

उपसभापति : चव्हाण साहब, आप बोलिए ।

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam. (*Interruptions*) ...

श्री त्रिलोकी नाथ चतुर्वेदी : (उत्तर प्रदेश) : मैडम, मुझे भी बोलने का मौका दिया जाए । ... (**व्यवधान**) ...

SHRI RAM JETHMALANI: I will repeat that not ondy here but anywhere. ... (*Interruptions*) ...

श्री त्रिलोकी नाथ चतुर्वेदी : मैं आपकी भावनाओं का आदर करता हूं । मैं गृह मंत्री महोदय से आपके माध्यम से अनुरोध करता हूं कि जहां तक अधिकारियों का

श्री त्रिलोकी नाथ चतुर्वेदी

प्रश्न है, इस मुद्दे पर मुझे भी बोलने का मौका दिया जाए। मैं आपकी भावनाओं का आदर करता हूं। यह बिल जिस उद्देश्य से लाया गया है, उसका मैं आदर करता हूं लेकिन... (**व्यवधान**)...

श्री एस० एस० अहलुवालिया : जो सवाल उठाए गए हैं उन्हें ऐक्सपंज किया जाए।... (**व्यवधान**)...

श्री त्रिलोकी नाथ चतुर्वेदी : मैं संवेदनाओं का आदर करता हूं, मैं भावनाओं का आदर करता हूं... (**व्यवधान**). लेकिन यह बिल दुर्भाग्यपूर्ण रहा है कि इसमें नेक्सस के लिए उन अधिकारियों को जिम्मेदार ठहराया जा रहा है जो बहुत दुर्भाग्यपूर्ण है। मैं समझता हूं... (**व्यवधान**)...

SHRIMATI JAYANTHI NATARAJAN: Madam, I also want to speak. ... (*Interruptions*).

श्री त्रिलोकी नाथ चतुर्वेदी : यह सब एडमिनिस्ट्रेटिव परंपराओं के ज़ोर पर करेंगे और यही नहीं, कल एक और सरकार आएगी तो वह पूछगी कि उसके बाद जो मेम्बर सेक्रटरी आए थे, उन्होंने क्यों नहीं उसके खिलाफ ऐक्शन लिया? मैडम, मैं इस उद्देश्य से उसका विरोध नहीं करता लेकिन अगर रूलिंग पार्टी के अंदर की पालिटिक्स को सुधारने के लिए, सुलझाने के लिए इस ऐक्ट का उपयोग किया जा रहा है... (**व्यवधान**)..

DR. BAPU KALDATE: The way in which you react... (*Interruptions*)

उपसभापति : एक मिनट आप चुपरहिए।... (**व्यवधान**)...देखिए, एक बार जब निर्णय हो गया कि इस पर डिस्कशन नहीं होगा I have allowed Mr. Jethmalani because he was opposing the entire Ordinance promulgated by the President, and which is according to the rules. Members can oppose and they have a right to speak. But when the commitment was given that there would be no discussion, then I think you must abide by it. You must have read it before also, that when the Bill came up in the last session, we were to pass it. But because we did not do any business in the last session, we could not get it cleared. Now, I think, in the same spirit, I would request you to let the Home Minister move it and let the Bill be passed. Let us not project some kind of a disagreement on some issue and agreement on some This Bill has a very limited scope. There might be other matters which might be hurting you or which you don't agree with, but there are other forums in which you can raise them. But, as far as this Bill is concerned, please do not let this impression go from this House that we are against this Bill. Thank you very much.

SHRI S. B. CHAVAN: Madam, I beg to move:

> "That the Bill further to amend the Special Protection Group Act, 1988, as passed by the Lok Sabha, be taken into consideration."

Madam, I am grateful to the hon. Members for maintaining the dignity of the House and also honouring whatever commitment they had made in the chamber of the hon. Chairman. Anyway, the hon. Member, Shri Ram Jethmalani, wanted to clear his conscience because in 1988 he had opposed it and he wanted to again bring on record that today also he is opposed to it. He is entitled to voice his protest, but we have got the whole thing examined from the fundamental rights angle which he has put forth. And as to whether we are entitled to have a legislation of this nature, I am sure that he is himself an eminent lawyer and he knows what exactly are the contents of the Bill, and whether such a Bill is within the competence of the Parliament or not is well known to him, but still I won't say that he is in the habit of confusing people. I won't say that he has been doing a number of things.....

SHRI RAM JETHMALANI: Madam, I am on a point of order. I am not able to confuse even this gentleman himself. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: My congratulations to the Home Minister.

SHRI S. B. CHAVAN: I never said that you are in that habit. I said, "I know that you are not in the habit of confusing." But, at the same time, Article 14, the relevance of the same, is well known to the hon. Member. I will be the last person to explain. ...

SHRI RAM JETHMALANI: I know it better.

SHRI S. B. CHAVAN: Yes, you know it far better, but still you are saying things in this House, the way you are doing it.

The more serious part of this, about which I would like to clarify the position, is this. If he had not raised the point. I would not have referred to it. I do not know what exactly is the idea behind it. The idea is, certain documents required by the Verma Commission were not given or the Government, on its own, did not vounteer to give the documents. What exactly he would like to convey is not known. In fact, I do not know whether he is aware of the fact that, being a Supreme Court Judge, Justice Verma was within his competence to ask for any document. He did not require anybody's guidance that these documents, these witnesses need to be produced. And if he had asked for the same the Government has no right to say 'no', unless it is a matter of privilege; that is a different matter. But the Government would have definitely produced whatever documents the Verma Commission wanted. I do not know whether the hon. Member is trying to create some kind of a confusion in the trial which is going on against some of the culprits in Madras and for which purpose, most probably, he has now brought on record that this is the kind of issue....

SHRI RAM JETHMALANI: This is most unfortunate, Madam.

...*(Interruptions)*...

SHRI S. B. CHAVAN: I think, it is not correct on your part... *(Interruptions)*... It is not crorect on your part, when the Verma Commission is not under discussion ... *(Interruptions)*... When the Verma Commission is not under discussion, what was the justification for it? I can understand, what Mr. Jethmalani has said... *(Interruptions)*...

SHRI RAM JETHMALANI: Madam, this is a serious issue... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Don't disturb the Home Minister.

SHRI S. B. CHAVAN: What Mr. Jethmalani has said... *(Interruptions)* ...What Mr. Jethmalani has said, I can understand, but I think it will be most unfair to create conditions in which you are casting some kind of an aspersion on the working of the Verma Commission by saying that certain documents... *(Interruption)*...

SHRI RAM JETHMALANI: You are number two... *(Interruptions)*... You are number two. .. *(Interruptions)*...

SHRI S. B. CHAVAN: I understand that. *(Interruptions)*... That is exactly... *(Interruptions)*... I understand that. In fact, I wanted to avoid the same controversy.

SHRI RAM JETHMALANI: But please do not go into it... *(Interruptions)*... You are number two.

THE DEPUTY CHAIRMAN: Mr. Jethmalani, please.

SHRI S. B. CHAVAN: Now I understand the motivation behind the whole things... (*Interruptions*). ... I can well understand your motive behind the whole thing. I would respectfully submit that a competent Commission like Justice Verma's knows its limitations, knows its working, and it also knows which are the documents which are relevant for the kind of work that the Commission was supposed to do. In spite of that, just to please some one that you are pleading the case is something understandable. I do not know whether it is relevant to the issue which is under consideration of this House.

Madaf, I do not think anything more needs to be said on this issue, but I can request the House that because of the threat perception, about which I have stated, we are saying that this family, which is definitely facing a threat requires special protection which needs to be given, and because of that whatever is provided in the Act is also being extended to other ex-Prime Ministers also. That is the only point which I wanted to explain.

Madam, I request the House to pass this Bill unanimously.

THE DEPUTY CHAIRMAN: Now, Mr. Jethmalani, would you like me to put vote your Resolution or are you withdrawing it? You have raised your objections.

SHRI RAM JETHMALANI: I don't want it to be put to vote.

THE DEPUTY CHAIRMAN: You don't want to put it to vote means you want to withdraw it.

SHRI RAM JETHMALANI: By all means.

THE DEPUTY CHAIRMAN: Then please get up and say so.

SHRI RAM JETHMALANI: May I seek the leave of the House to withdraw my Resolution after I recorded my individual objections?

THE DEPUTY CHAIRMAN: I think he has the leave of the House to withdraw his Resolution after he has made his comments. (*Interruptions*)

SHRI JAGESH DESAI (Maharashtra): Madam, because of the reply, I think, it is illogical, absurd and unintelligent. (*Interruptions*)...

THE DEPUTY CHAIRMAN: He is now withdrawing it. I am sure he is going to support it.

The Resolution was, by leave, withdrawn.

THE DEPUTY CHAIRMAN: I shall now put the motion moved by Shri S. B. Chavan to vote. The question is:

"That the Bill further to amend the Special Protection Group Act, 1988, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

SHRI RAM JETHMALANI: Madam, you take them together.

THE DEPUTY CHAIRMAN: No. Let me have my say at least some time. You had your say. You took so much of the time of the House. I want to take two minutes for it.

Clause 3—Repeal and Saving

THE DEPUTY CHAIRMAN: There is one amendment, No. 3, by Shri S. B. Chavan.

SHRI S. B. CHAVAN: Madam, I beg to move:

(No. 3) "That at page 1, *for* lines 10 and

11, the following be *substituted* namely:—

"3 (1) The Special Protection Group (Amendment) Ordinance, 1995 is hereby repealed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now you know the reason why I was taking it separately because this was passed in the Lok Sabha in the last session in 1994. It is coming here after one year. So, we have to change the date. I shall now put clause 3 as amended; to vote. The

The question is:

"Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1—Short title and commencement.

THE DEPUTY CHAIRMAN: There is one amendment by Shri S. B. Chavan.

SHRI S. B. CHAVAN: Madam, I beg to move.

(No 2)

"That at page 1, line 4, *for* the figure "1994" the figure "1995" be *substituted.*"

The question was put and the motion was adopted.

Clause 1, as demanded, was adopted to the Bill

Enacting Formula

THE DEPUTY CHAIRMAN: There is one amendment by Shri S. B. Chavan.

SHRI S. B. CHAVAN: Madam, I beg to move.

(No. 1)

"That at page 1, line 1, *for* the word "Forty-fifth the word "Forty-sixth" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula as amended, was added to the Bill.

The Title was added to the Bill.

SHRI S. B. CHAVAN: Madam, I beg to move:

That the Bill, as amended, passed.

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Thank you very much.

SHRI RAM JETHMALANI: Madam, the Bill is not passed. What is passed is the Amendment Bill.

THE DEPUTY CHAIRMAN: I think Mr. Jethmalani, as far as running of this House is concerned, I am in this job for the last 8 years. You may be having 20 years' practice if the Supreme Court. But as far as running the House is concerned, I think, I know something. Now I will take up the Coal Inlia (Regulation of Transfers and Validation) Bill, 1995.

THE COAL INDIA (REGULATION OF TRANSFERS AND VALIDATION) BILL, 1995.

THE MINISTTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT KUMAR PANJA): Madam, I beg to move for leave to introduce a Bill to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary Company of Coal India Limited or any other subsidiary company and to validate certain transfer of such land or rights.

The question was put and the motion was adopted.

SHRI AJIT KUMAR PANJA: Madam, I introduce the Bill.

THE DEPUTY CHAIRMAN: We have only five minutes for the lunch hour and we have the Kashmir discussion. I think we can adjourn the House for lunch five minutes early and we can take up the Kashmir discussion after lunch if the House so agrees.